



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
NEW YORK, NEW YORK 10007

SUBJECT: Confirmation of Verbal Authorization for an Emergency Removal Action at Holy Trinity Cemetery Site in Lewiston

FROM: Eric M. Daly, On Scene Coordinator

TO: Walter E. Mugdan, Director
Emergency and Remedial Response Division


THRU: Eric Mosher, Chief
Response and Prevention Branch

The purpose of this memorandum is to confirm the Division Director's March 24, 2016 verbal authorization of \$130,000.00 in mitigation funding and \$20,000.00 in RST contractor funding for a total project ceiling of \$150,000.00 to initiate an emergency Comprehensive Environmental Response Compensation and Liability Act (CERCLA) removal action at The Holy Trinity Cemetery Site (Site ID# A23M).

In a 1978 U.S. Department of Energy (U.S. DOE) aerial radiological survey, more than 15 properties throughout the region were identified as having elevated levels of radiation above background. It is believed that, in the early 1960s, slag from the local Union Carbide facility was used as fill on the properties prior to paving. The slag contained sufficient quantities of uranium and thorium to be classified as a licensable radioactive source material. Union Carbide subsequently obtained a license from the Atomic Energy Commission (now the Nuclear Regulatory Commission) and the State of New York; however, the slag had been used as fill throughout the Niagara Falls region prior to licensing. Based on the original survey and subsequent investigations, it is believed that the radioactive Union Carbide slag was deposited at the Holy Trinity Cemetery property.

In February 1980, the New York State Department of Health (NYSDOH) Bureau of Radiological Health and the Niagara County Health Department conducted a radiological survey of the Holy Trinity Cemetery site to identify areas of elevated radioactivity as a result of radioactive slag having been used on the property for fill. The survey was conducted based on information that the slag used at the cemetery was from the same source used at two other locations in nearby Niagara Falls, which had been identified by the NYSDOH as containing elevated levels of radioactivity. During the survey, cemetery personnel showed NYSDOH a slag pile located near the caretaker's garage in the western portion of the property. Cemetery personnel stated that this slag was used as fill for the cemetery roads throughout the property.

CONCURRENCES	Name:	Date:	Filename:
--------------	-------	-------	-----------

Symbol	ERRD-RPB	ERRD-RPB	ERRD-RAB	ERRD-ADD	ERRD-AD			
Surname	Daly 	Mosher	Rotola	Carpenter	Mugdan			
Date	05/06/2016							

The Holy Trinity Cemetery Site (Site) was referred to the EPA by the NYSDEC and NYSDOH on July 21, 2013. No other removal actions have been taken by other government or private parties prior to this request.

From December 2013 through May 2014, EPA Pre-Remedial conducted preliminary assessment at the Site. The program concluded that the Site did not meet the minimum criteria to be eligible for the inclusion on the EPA National Priorities List (NPL) for remediation. However, EPA continued to assess the site to determine if an action under the Removal Program is warranted.

From July 2015-August 2015, the USEPA Region 2 Removal Program conducted a Removal Assessment Evaluation (RSE) by further assessing radiological exposures in the interior and exterior of the property. The goal for this assessment was to determine the extent of contamination (i.e. how far does the contamination extend beyond the contamination area of concern determined by Pre-Remedial Program), as well as, determine interior contamination impacts (i.e. are workers/patrons exposed to elevated levels of radon/thoron or loose contamination).

Based on the conditions observed at the Site during the RSE, an emergency CECLA removal action is warranted to secure and stabilize the Site and prevent continued access to contaminated material by cemetery staff, patrons as well as the neighboring public. It was also discovered that a residential home was built on top of the slag road leading out of the cemetery property. Upon further assessment and sampling, elevated readings of radon almost three times the action limit were found in the residence.

The removal action stabilization activities proposed for the Site and authorized by this Confirmation of Verbal Authorization will include:

- Installation of security fence around identified area of radioactive soil contamination;
- Installation of a sub slab radon mitigation system in the residential home

This confirmation memorandum will be followed by a full Action Memorandum to document the removal action and to request a 12-month exemption and ceiling increase.